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August 4, 2004

**INFORMATION MEMORANDUM
S/ES**

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TO: The Secretary

FROM: DRL – Michael G. Kozak, Acting
IO – James Swigert, Acting
S/WICI – Pierre R. Prosper

SUBJECT: Responding to Criticism of U.S. military detainee operations in
Guantanamo and Elsewhere

United States detainee operations have been under increasing scrutiny since allegations of abuse at Abu Ghraib became public in April. Even before the Abu Ghraib story broke, allied governments, the ICRC, NGOs and the UN had voiced concern over detainee operations at Guantanamo Bay and in Afghanistan. Thus far Cuba has been the only country to call openly for condemnation of the U.S. record. At CHR 60 Cuba floated, then withdrew a resolution on Guantanamo. During the July ECOSOC session a thinly veiled generic resolution tabled by Cuba was defeated 11-24-17. We expect resolutions on U.S. detainees to be tabled during the October Third Committee meeting and at next spring's CHR. We have been fortunate to date that Cuban motives have been so transparent. A number of friendly countries have told us that if a country with strong human rights credentials tabled a resolution, they would vote against us.

Various UN officials have pressed for access to detainees in Guantanamo, Iraq and Afghanistan. Theodore Van Boven, the UNCHR's Special Rapporteur for Torture, and Paul Hunt, Special Rapporteur for the Right to Health, requested access to Guantanamo in a letter sent on January 30. On June 4, Acting UN High Commissioner for Human Rights Ramacharan issued an unsolicited report on post-invasion human rights in Iraq, including a highly critical section on detainee operations. We provided input to that report. Although the CPA invited Ramcharan's team to visit Iraq, he did not choose to do so.

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- 2 -

On June 25, UN Special Rapporteurs issued a joint statement requesting access be granted to four Special Rapporteurs (torture, arbitrary detention, right to health, and independence of judges and lawyers) as soon as possible to prisoners held in US detention centers in Iraq, Afghanistan and Guantanamo Bay. Thirteen Congressmen have written the President requesting that Mr. Van Boven be allowed to "conduct a full and impartial investigation into the U.S. military intelligence and interrogation practices" in Guantanamo, Afghanistan and Iraq. DOD has been tasked with a reply.

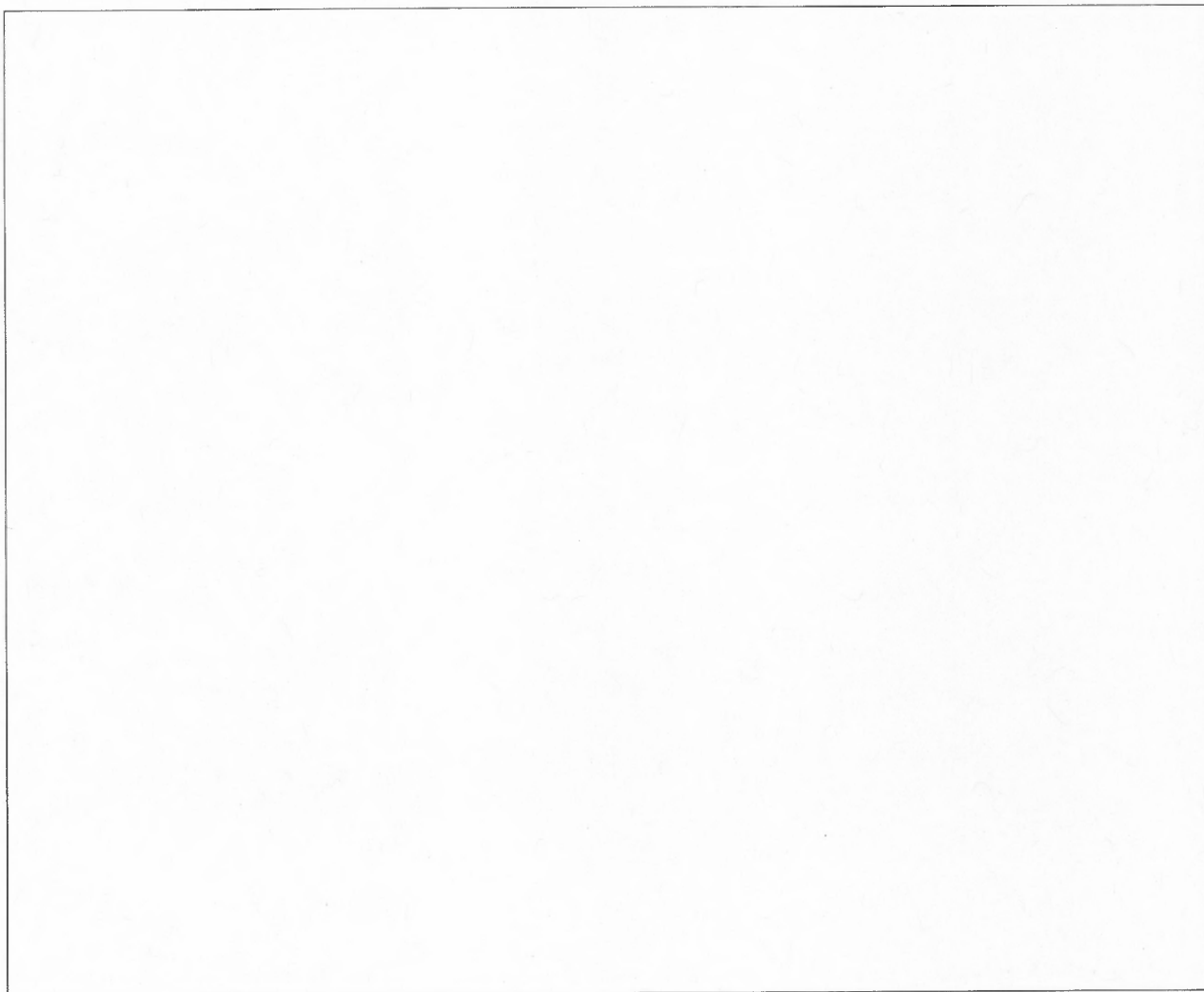
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- 3 -



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- 4 -

Drafted: DRL/MLA Winston Mann x7-2292
December 11, 2007

Cleared:

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